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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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Oct 17, 2017
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SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GEOFFREY ROBERT LAWSON,
SR.,

No. 2:16-CV-00361-SMJ

Plaintiff/s,

ORDER DENYING MOTIONS

v.

DAN PACHOLKE, ELDON VAIL,
ISRAEL ROY GONZALES,
BRANDON WELLS, MARTHA
HAYES, TAMARA AVERY, LORI
WONDERS, JOHN DOE 1-10, PAUL
BARKER, BONNIE LONGINO, H.
FERNANDEZ, LT. D. BUSS, LT. M.
MARRY, CC2 JORDAN, BERNARD
WARNER, RACHEL SHOOK and
TRACY STUENKEL,

Defendants.

BEFORE THE COURT are Plaintiff's Motion for Extension of Time, ECF

No. 24, and his Renewed Emergency Motion for Preliminary Injunction, ECF No.

25. Plaintiff, a prisoner at the Airway Heights Corrections Center, is proceeding

pro se and *in forma pauperis*. By separate Order, the Court has directed Plaintiff's

1 First Amended Complaint, ECF No. 26, received on September 6, 2017 and dated
2 August 30, 2017, be served on Defendants.

3 Plaintiff's motions were received after the dates on which he requested they
4 be noted for hearing. They were noted for hearing on October 6, 2017, and
5 considered without oral argument on the date signed below. Because the Court had
6 accepted Plaintiff's First Amended Complaint, ECF No. 26, and found it sufficient
7 to require a response from Defendants, Plaintiff's request for an extension of time
8 to file it is now moot.

9 Plaintiff seeks to renew an emergency motion for injunctive relief. The
10 present lawsuit concerns Plaintiff's access to the courts to challenge his criminal
11 conviction and the conditions of his confinement. The substance of his motion
12 concerns newly discovered issues food and water contamination and a requested
13 soy-free diet. The Court notes Plaintiff's request for a soy-free Kosher diet has
14 already been litigated in a separate action, *Lawson v. Carney, et. al.*, 2:15-CV-0184-
15 RMP, which is now on appeal before the Ninth Circuit Court of Appeals.

16 "A court's equitable power lies only over the merits of the case or controversy
17 before it. When a plaintiff seeks injunctive relief based on claims not pled in the
18 complaint, the court does not have the authority to issue an injunction." *Pacific*
19 *Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015).
20 Therefore, this Court is without authority to enjoin the conduct Plaintiff describes

1 in his motion. If Plaintiff wishes to challenge the conditions of his confinement and
2 has not already done so, he may file a new and separate action.

Accordingly, IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Extension of Time, ECF No. 24, is **DENIED** as moot.
 2. Plaintiff's Renewed Emergency Motion for Preliminary Injunction Based on Imminent Risk to Lawson's Health and Safety Due to Defendants' Continued Denial of Lawson's Access to the Courts, ECF No. 25, is **DENIED**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and

11 | provide a copy to Plaintiff.

DATED this 17th day of October 2017.

SARAH MENDEZ
SALVADOR MENDEZ, JR.
United States District Judge